

REMARKS

The applicant respectfully requests reconsideration of claims 30-59 in view of the foregoing amendment.

A. Claims 30-59 have been rejected under the judicially created doctrine of obviousness-type double patenting, based on claims 1-27 of U.S. Patent No. 6,719,934.

B. Claims 30-59 have been rejected under the judicially created doctrine of obviousness-type double patenting, based on claims 1-39 of U.S. Patent No. 6,245,103.

In connection with each of these rejections, it is asserted in the present action that the conflicting claims are not patentably distinct from each other because the pending claims are worded in a broader manner and are reflected in the patented independent and dependent claims.

These assertions are respectfully traversed. It is submitted that the present claims define an invention patentably distinct from the inventions claimed in the '934 and '103 patents. Nonetheless, the applicant is agreeable to filing a terminal disclaimer.

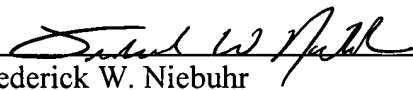
Accompanying this amendment is a terminal disclaimer, signed on behalf of the assignee of the present application, disclaiming any portion of the term of a patent issuing on this application that otherwise might extend beyond the full statutory term of U.S. Patent No. 6,719,934; and further disclaiming any portion of the term of a patent issuing on this application that otherwise might extend beyond the full statutory term of U.S. Patent No. 6,245,103. This application, the '934 patent and the '103 patent are commonly owned. Accordingly, it is submitted that the terminal disclaimer overcomes the obviousness-type double patenting rejections.

To summarize, it is submitted that claims 30-59 incorporate patentable subject matter and define that subject matter with clarity and precision. The accompanying terminal disclaimer is believed to overcome the rejections asserting obviousness-type double patenting. An early and favorable action allowing claims 30-59 is earnestly requested.

Respectfully submitted,

Boston Scientific Scimed, Inc.

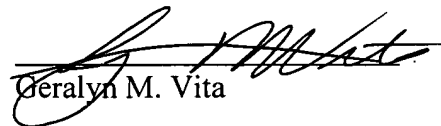
Date: June 6, 2005

By: 
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CERTIFICATE OF MAILING

Pursuant to 37 CFR 1.8, I hereby certify that this Amendment and accompanying Terminal Disclaimer in Application Serial No. 10/823,128 are being deposited with the U.S. Postal Service by first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit indicated below.

Date of Deposit: June 6, 2005


GERALYN M. VITA

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